

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE STREET GLOBAL ADVISORS
TRUST COMPANY,

Plaintiff,

v.

KRISTEN VISBAL,

Defendant.

Case No. 1:19-cv-1719 (GHW)

**NOTICE OF PARTIAL MOTION TO DISMISS DEFENDANT'S SECOND
AMENDED COUNTERCLAIMS AND TO STRIKE AFFIRMATIVE DEFENSES**

PLEASE TAKE NOTICE that, on August 26, 2019, upon the accompanying Memorandum of Law in Support of SSGA's Partial Motion to Dismiss Defendant's Second Amended Counterclaims and to Strike Affirmative Defenses, the Declaration of Vivian Cheng and the exhibit thereto, and the proceedings to date herein, Plaintiff State Street Global Advisors Trust Company ("SSGA"), by and through its undersigned attorneys, move this Court to dismiss Defendant's Third, Fourth, Sixth, and Seventh Counterclaims for tortious interference with contract, fraud in the inducement, copyright infringement, and contributory copyright infringement pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the "Federal Rules"), and to strike Defendant's Third and Seventh Affirmative Defenses based on alleged fraudulent inducement and deceit or misrepresentation by SSGA pursuant to Rule 12(f) of the Federal Rules.

This motion should be granted for the reasons set forth in the accompanying Memorandum of Law, declaration, and exhibit, any supporting, opposing, or reply papers which may be filed,

and such other arguments and evidence that may be brought before the Court.

Dated: August 26, 2019

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s/ Kristen McCallion

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2019, a true and correct copy of the foregoing document was served on counsel of record who have consented to electronic service via the Court's CM/ECF system.

Dated: August 26, 2019

/s/ Kristen McCallion

Kristen McCallion